

REMARKS

Claims 1-9, 16-33, 35, and 36 have been canceled. The Applicants reserve the right to prosecute the canceled subject matter in continuing or divisional applications.

Claim 10 has been canceled. The subject matter of claim 10 has been incorporated into new claim 37. The Applicants note that in claim 37, the structure of Formula II was redrafted to address its objection under 35 U.S.C. § 112. In addition, variables R⁹ and R¹⁰, which were defined together in claim 10, are defined separately in claim 37. Variables R⁹ and R¹⁰ have been amended from their scope in claim 10 such that neither can be hydroxy(C₁₋₅)alkyl.

The Applicants further note that the “tetradentate metal ligand moiety” (“u.” in claim 10) is not present in new claim 37; however, the Applicants reserve the right to prosecute that deleted subject matter in continuing or divisional applications. Also, the term “heterocycle,” in claim 10 has been replaced with the more scientifically accurate term, “heterocyclyl” in new claim 37. Claims 11-15 have been amended to reflect more customary language used in US patent practice and to reflect that they depend from claim 37. Claim 34 has been amended to depend from claim 37. No new matter has been added.

Rejection under 35 U.S.C. § 112

Claims 10-15 and 34 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. The Office requested that the Applicants amend the structure of Formula II. Claim 37 incorporates the amended structure. The rejection is considered moot.

Rejection under 35 U.S.C. § 102

Claims 10 and 34 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. 5,034,384 (Greenlee). As set forth in claim 37, neither R⁹ or R¹⁰ can be hydroxy(C₁₋₅)alkyl. As a result, the compounds described in Greenlee do not overlap with the present invention. Reconsideration and withdrawal of the rejection is respectfully requested.

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PATENT

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The Applicants assert that the foregoing constitutes a complete response to the July 10, 2008 Office Action and that claims 37, 11-15, and 34 are in condition for allowance. An early Notice to that effect is earnestly solicited.

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